

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALLEN DAVID DANIEL,

Plaintiff,

v.

CASE NO. 08-11000  
HONORABLE GEORGE CARAM STEEH

PATRICIA CARUSO, *et al.*,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION TO AMEND**

This is a civil rights action. Plaintiff Allen David Daniel is a state prisoner at Baraga Maximum Correctional Facility in Baraga, Michigan. In a *pro se* complaint filed on March 10, 2008, Plaintiff alleged that the defendants impeded his access to the courts and interfered with his mail. He also alleged that the defendants fabricated misconduct tickets, retaliated against him, physically abused him, and destroyed or confiscated his personal property. He sought a full investigation and other injunctive relief.

On April 10, 2008, the Court summarily dismissed the complaint as frivolous and for failure to state a claim because Plaintiff had not shown what each of the 160 defendants did to deprive him of his federal constitutional rights. Currently pending before the Court is Plaintiff's motion to amend his complaint. The motion alleges that correctional officials at the prison where Plaintiff is confined beat prisoners, starve them, threaten them, and file false misconduct tickets about them. He seeks thirty days in which to correct the defects in his civil rights complaint.

Prisoners may not alter or amend their complaints to avoid a summary dismissal. *Baxter*

*v. Rose*, 305 F.3d 486, 488-89 (6th Cir. 2002), *abrogated on other grounds by Jones v. Bock*, 549 U.S. 199 (2007); *Benson v. O'Brian*, 179 F.3d 1014, 1015-16 (6th Cir. 1999); *McGore v. Wigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997). Accordingly, Plaintiff's motion to amend [Doc. 13, July 11, 2008] is **DENIED**.

Dated: August 12, 2008

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 12, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk